

FILED  
 UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA

08 FEB 11 AM 9:46

CLERK, U.S. DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Guillermo DIAZ-Fregoso

Defendant,

Magistrate Case No.

'08 MJ 0374  
 DEPUTY

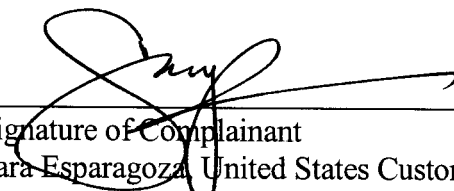
COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section  
 1324(a)(2)(B)(iii)-  
 Bringing in Illegal Aliens  
 Without Presentation

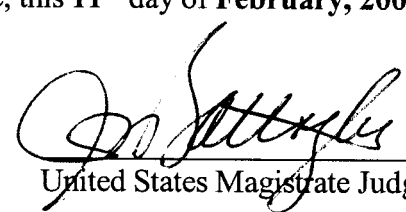
The undersigned complainant being duly sworn states:

On or about **February 8, 2008** at the **San Ysidro Port** of Entry, within the Southern District of California, defendant **Guillermo DIAZ-Fregoso**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Araceli MARTINEZ-Ortega**, had not received prior official authorization to come to, enter and reside in the United States; did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
 Signature of Complainant  
 Sara Esparagoza, United States Customs  
 and Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence, this 11<sup>th</sup> day of **February, 2008**.

  
 United States Magistrate Judge

I, United States Customs and Border Protection (CBP) Enforcement Officer Roger Quintana Jr., declare under penalty of perjury the following to be true and correct:

The complainant states that **Araceli MARTINEZ-Ortega** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On February 8, 2008 at approximately 5:43 AM, **Guillermo DIAZ-Fregoso (Defendant)** applied for entry into the United States from Tijuana, Mexico at the San Ysidro, California Port of Entry through vehicle primary lane 13. Defendant was the driver, sole visible occupant and registered owner of a white 2004 Chevrolet 2500 Van. During primary inspection before a Customs and Border Protection (CBP) Officer, Defendant presented his Naturalization Certificate as proof of citizenship, gave a negative Customs declaration and claimed he was on his way to work. The primary officer queried Defendant's name at the inspection booth and received a computer generated lookout. The primary officer elected to escort Defendant and vehicle to secondary for further inspection.

In secondary, a CBP canine alerted to the rear cargo area of the van. The rear cargo area contained a non-factory storage unit that was attached to the driver side wall. A CBP Officer made a small hole in the storage unit, and inserted a fiber optic scope revealing a person concealed within. Another CBP Officer opened the storage unit with a hammer and freed a Hispanic female from the compartment. She is now identified as **Araceli MARTINEZ-Ortega (Material Witness)**, an undocumented Mexican citizen.

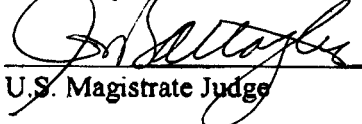
Defendant was advised of his Miranda rights and elected to make a statement and answer questions without a lawyer present. Defendant admitted he was smuggling an undocumented alien for financial gain. Defendant stated he was going to receive a sum of \$800.00 USD for the smuggling act. Defendant stated he made the arrangements with the Material Witness in Tijuana, Mexico.

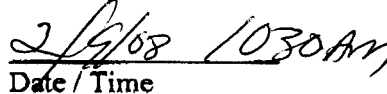
Material Witness was interviewed and gave the following declaration: Material Witness declared being a citizen of Mexico with no entitlements to enter or reside in the United States. Material Witness stated she intended to travel to San Diego, California to seek employment. Material Witness stated she was being charged a fee of \$2,500.00 USD for being smuggled into the United States.

Executed on this 8<sup>th</sup> day of February, 2008 at 3:00 PM.

  
\_\_\_\_\_  
Roger Quintana Jr. / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (1) page, I find probable cause to believe that the defendant named therein committed the offense on February 8, 2008 in violation of Title 8, United States Code, Section 1324.

  
\_\_\_\_\_  
U.S. Magistrate Judge

  
\_\_\_\_\_  
Date / Time